

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with Acting City Manager Glen Black and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to approve the minutes of March 16, 2010 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Linda Tibbitts, 21334 H75 Road, Delta, explained the Mounted Shooting Match that they are requesting to be allowed during Deltarado Days.

Karin Gwin, 7981 Horn Road, Delta, commented on having a Gymkhana Club at the Horse Country Arena.

Laura Tarr, 5793 Sawmill Mesa Road, Delta, commented on the conditions of the streets.

Planning Commission Appointments

Acting City Manager Glen Black stated that there are two members of the Planning Commission that have terms that are expired. Both of these members have reapplied. There were no other applicants. Mr. Black also stated that staff would recommend reappointment of Carl Jahn and Gary Burnett to the Planning Commission.

Councilmember Carlquist questioned if both of these individuals were on the Planning Commission during the comprehensive plan update.

Mr. Black stated that they were.

Councilmember Pfalzgraff questioned if these were three year terms.

Mr. Black stated that one has completed a two year term and the other three year term. He also stated that this appointment would be for three years.

It was moved by Councilmember Carlquist and seconded by Councilmember to appoint Carl Jahn and Gary Burnett to serve their second terms on the Planning Commission. All in favor, motion carried.

Mounted Shooting Match

Acting City Manager Glen Black reported that in the code it does state that discharge of guns is prohibited within the City. However, it does have a section that states that a special permit can be granted by City Council for a special event. Ms. Tibbitts is requesting that Council grant a special permit to allow this event. Mr. Black explained the event.

Councilmember Pfalzgraff questioned what kind of liability the City would have in this type of event.

City Attorney Michael Schottelkotte stated that there is immunity to an extent. He stated that Council would need to make a finding that there would be no nuisance, unreasonable noise or safety hazards.

There was discussion on the substance that is discharged from the guns.

Regular Meeting, Delta City Council, April 6, 2010 (Cont.)

Mounted Shooting Match (cont.)

Ms. Tibbitts stated that this club is national and they would have insurance within the Club. She also stated that they will have someone supervising the loading of the guns.

Councilmember Pfalzgraff stated that he would like more information regarding liability.

There was discussion on tabling the matter to get more information regarding liability.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to table this issue until there is more information presented on liability and insurance. All in favor, motion carried.

Retail Liquor Store License Renewal: D&B Liquors, Inc.

The Clerk explained that D&B Liquors, Inc. has submitted their retail liquor store license renewal. She reported that the application is complete and all fees have been paid. The Police Department has recommended renewal.

It was moved by Councilmember Seuell and seconded by Councilmember Pfalzgraff to approve the retail liquor store license renewal for D&B Liquors, Inc. All in favor, motion carried.

Renewal Lease for Water on the Grand Mesa

Assistant Utilities Director Steve Glammeyer explained that this is a renewal of a lease agreement that the City has had for several years with the same individuals. The only change to the lease is an addition that states that the payment shall be remitted to the City within 15 days of Council's approval.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to enter into the lease agreement with Ms. Hawkins and Myers for the use of City water on the Grand Mesa for the purposes of stock water and authorize the City Manager to sign said lease. All in favor, motion carried.

Renewal Lease for Upper White Ranch Property

Mr. Glammeyer also explained that this is a renewal of a lease agreement for the property on the Upper White Ranch. He stated that the lease agreement has no changes from the last one.

Councilmember Carlquist questioned the amount of the lease.

Mr. Glammeyer stated that it is \$750.00.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to enter into the lease agreement with Mr. Dan and Roy Long and Mr. Rolf and Lynn Sanburg for the use of the Upper White Ranch for the purposes of grazing livestock and authorize the City Manager to sign said lease. All in favor, motion carried.

Renewal Lease for Property Adjacent to the Wastewater Treatment Plant

Mr. Glammeyer stated that this is a renewal of a lease agreement with Bonsall Huffington for the property adjacent to the Wastewater Treatment Plant. Mr. Glammeyer stated staff did bid this out this year and received two bids. The one bid was extremely low. He recommended that Council approve the lease with Bonsall Huffington in the amount of \$1200 and also the water payment of \$1900.

It was moved by Councilmember Jurca and seconded by Councilmember Seuell to enter into the lease agreement with Mr. Huffington for the use of the City owned property for the purpose of livestock grazing and authorize the City Manager to sign the agreement once payment has been received in full. All in favor, motion carried.

Resolution #3, 2010; Extending Moratorium for Medical Marijuana Dispensaries

RESOLUTION #3, 2010

A RESOLUTION OF THE CITY COUNCIL OF DELTA, COLORADO,

Regular Meeting, Delta City Council, April 6, 2010 (Cont.)

Resolution #, 2010 (cont.)

EXTENDING THE MORATORIUM ON REVIEW OF APPLICATIONS FOR
MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF DELTA
PENDING ADOPTION OF APPROPRIATE REGULATIONS.

was read by the Clerk.

City Attorney Michael Schottelkotte stated that as Council may recall they discussed this at the last meeting. In the ordinance adopted in November 2009 it states that Council can extend the moratorium by adoption of a resolution. He explained that the extension of the moratorium and the considerations Council may have in an extending it for a period of one year.

Councilmember Pfalzgraff questioned if this resolution would extend the moratorium until May 3, 2011.

Mr. Schottelkotte stated that it would.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to adopt Resolution #3, 2010 extending the medical marijuana dispensaries moratorium. Roll call vote: Councilmembers Seuell aye, Jurca aye, Pfalzgraff aye, Carlquist aye and Cooper aye. Motion carried.

Arbor Day Proclamation

The Mayor read the proclamation.

Sexual Assault Awareness Month Proclamation

The Mayor read the proclamation.

City Attorney Comments

City Attorney Michael Schottelkotte updated Council on the Simonds' litigation. He did comment that at the CML conference there will be a workshop on medical marijuana dispensaries.

City Manager Comments

Acting City Manager Glen Black commented on the street sweeper being under repair in Denver and should be back sometime next week.

Mayor Cooper thanked Mr. Black for stepping in as Acting City Manager.

Councilmember Comments

Councilmember Seuell also thanked Mr. Black.

Councilmember Jurca and Pfalzgraff thanked Kay Carlquist for her service as Councilmember.

Mayor Cooper presented Councilmember Carlquist a plaque for her service as Councilmember.

Councilmember Carlquist stated that she has learned a lot while being Council. She also stated that the City has loyal and hard working employees and thanked them for that.

The meeting was adjourned at 7:32 p.m.

Jolene E. Nelson, City Clerk